

10843. Misbranding of tomato puree. U. S. v. 501 Cases * * *. (F. D. C. No. 18082. Sample No. 24833-H.)

LIBEL FILED: November 5, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 17, 1945, by the Carthage Canning Co., Carthage, Tex.

PRODUCT: 501 cases, each containing 48 cans, of tomato puree at Monroe, La.

LABEL, IN PART: (Can) "Pantex Carthage Brand Tomato Puree Made from Whole Tomatoes Contents 10½ Oz. Avoir."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for tomato puree, since it contained less than 8.37 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: February 9, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a State institution, for use as animal feed.

10844. Adulteration of tomato sauce. U. S. v. 2,123 Cases * * *. (F. D. C. Nos. 18623, 18624. Sample Nos. 46611-H, 46612-H.)

LIBEL FILED: December 6, 1945, District of Puerto Rico.

ALLEGED SHIPMENT: On or about November 14, 1945, by Hunt Foods, Inc., from San Francisco, Calif.

PRODUCT: 2,123 cases, each containing 72 8-ounce cans, of tomato sauce at San Juan, Puerto Rico.

LABEL, IN PART: "Hunt's Supreme Quality Fancy Spanish Style Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: November 16, 1946. Hunt Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and disposed of in accordance with the law, under the supervision of the Federal Security Agency.

10845. Misbranding of tomato mushroom sauce. U. S. v. 35 Cartons * * *. (F. D. C. No. 19174. Sample No. 30612-H.)

LIBEL FILED: February 15, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about September 28, 1945, by the California Warehouse Co., from Los Angeles, Calif.

PRODUCT: 35 cartons, each containing 48 7½-ounce cans, of tomato mushroom sauce at Phoenix, Ariz.

LABEL, IN PART: "Santa Maria Brand Tomato Mushroom Sauce."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Tomato Mushroom Sauce" was false and misleading as applied to an article which consisted essentially of an onion-flavored tomato puree containing less than 1 percent of mushrooms.

DISPOSITION: April 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10846. Adulteration and misbranding of canned tomato soup. U. S. v. 189 Cases * * * (and 3 other seizure actions). (F. D. C. Nos. 18897, 19286, 19837, 20041. Sample Nos. 14387-H, 38968-H, 41724-H, 52851-H.)

LIBELS FILED: On or about January 31, March 4, and May 7 and 28, 1946, Southern District of West Virginia, Western District of Kentucky, Southern District of Ohio, and Western District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of September 6 and October 23, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: Tomato soup. 9 cases at Huntington, W. Va., 40 cases at Burkesville, Ky., 32 cases at Athens, Ohio, and 195 cases at Grand Rapids, Mich., each case containing 48 small or 24 large cans. All of the product was labeled tomato soup, but a portion of the lot seized at Huntington consisted of vegetable soup. The tomato soup contained decomposed tomato material.